THE AIRPORTS AUTHORITY OF INDIA ACT, 1994

NO.55 OF 1994

[12th September, 1994]

An Act to provide for the Constitution of the Airports Authority of India and for the transfer and vesting of the undertakings of the International Airports Authority of India and the National Airports Authority to and in the Airports Authority of India so constituted for the better administration and cohesive management of Airports and Civil enclaves whereat air transport services are operated or are intended to be operated and of all aeronautical communication stations and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the forty-fifth year of the Republic of India as follows:-

CHAPTER 1
PRELIMINARY

1.Short title commencement and application.- (1) This Act may be called the Airports Authority of India Act 1994.

(2) It shall come into force on such date {11-4-1994 : vide Notification No.S.O.285(E), dt.30-3-1995}as the Central Government may be notification in the official Gazette appoint.

(3) It applies to-

(a) all airports whereat air transport services are operated or are intended to be operated other than airports and airfields belonging to or subject to the control of any red force of the Union:

(b) all civil enlaces;

(c) all aeronautical communication stations and

(d) all training stations establishments and worships reliant to air transport services.

2.Definitions.- In this Act unless the context otherwise requires,-

(a) 'aeronautical communication station" means station n in the aeronautical communication service which includes aeronautical practising service aeronautical fixed service aeronautical mobile service and aeronautical; radio communication service:

(b) "airport means a landing and taking off area for aircraft's usually with runways and aircraft maintenance and passenger facilities and includes accordance as defined in clause 920 of section 2 of the aircraft Act 1934 (22 of 1934).

(c) "airstrip" means used or intended to be used for the landing and take-off of aircraft's with short take-off and laming character and includes all buildings and structures thereon or appertaining thereto;

(d) "air traffic service" includes flight information service.Alerting service air traffic advisory service air traffic control serve areas control service approach control service and airport control service;

(e) "air transport service" means any service for any kind of remuneration whatsoever for the transport by air of person mail or any other thing animate or inanimate whether such service relates to an single flight or series of flights;

(f) :appointed day" means such date as the Central Government may be notification in he official

gazette appoint for the purpose of section 3.

(g) :Authority" means the Airports Authority of India constituted under section 3;

(h) :Chairperson: means the Chairperson of the Authority appointed under clause (a) of sub-section (3)of section 3;

(i) "civil enclave" means the area if any allotted at an airport belonging to any armed force of the Union, for use by persons availing of any air transport services from such airport or for the handling of baggage or cargo by such service and includes and comprising of any building and structure on such area;

(j) "heliport" means an area either at ground level on elevated on a structure used or intended to be for the landing and take off of helicopter and includes any are of parking heliports and all bulldog and structure thereon or appertaining thereto;

(k) "International Airports Authority" means the International Airports Authority of India constituted under section 3 of the International Airports Authority Act 1971 (43 of 1971).

(1) "member" means a member of the Authority and includes the Chairperson but does not include for the purpose of sections 4,5,6 and 7 an ex officio member referred to in clause 9b) of sub-section (3) of section 3;

(m) "National Airports Authority" means the national Airports Authority constituted under section 3 of the national Airports Authority Act 1985 (64 of 1985);

(n) "prescribed" means prescribed by rules made under this Act;

(o) "regulations" means regulations made under this Act.

CHAPTER II
THE AIRPORTS AUTHORITY OF INDIA

3.Constitution and incorporation of the authority.- (1) with effect from the appointed day the Central Government shall by notification in the official gazette constitute Authority to be called the Airports Authority of India.

(2) The authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power subject to the provision of this Act, to acquire hold and dispose of property both movable and immovable and to contract and shall by the said bane sue and be sued.

(3) The authority shall consist of-

(a) a Chairperson to be appointed by the Central Government;

(b) The Director General OF Civil Aviation or an officer not below the rank of the Deputy Director General of Civil Aviation to be appointed by the Central Government ex officio;

(c) not less than eight and not more than fourteen members to be appointed by the Central Government.

(4) The Chairperson shall be a whole-time member and other members referred to in clause 9c) of sub-section 93) may be appointed as whole-time of part-time members as the Central Government may think fit.

(5) the Chairperson and the members referred to in clause (c) of sub-section (3) shall be chosen

from among persons who have special knowledge and experience in an transport services industry commercial or financial matters or administration and from among persons who are capable of representing organisation of workers and consumers.

4.Disqualification for office of member.- a person shall be disqualified for being appointed as a member it he-

(a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court or

(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the government or

(e) has in the opinion of the Central Government such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member.

5.Term of office and conditions of service of members.- (1) Subject to the provisions of section 6,-

(i) every whole-time member (other than the ex officio member shall hold office for a period of five years from the date on which he assumes office or till he attains he age of sixty years whichever is earlier and

(ii) every part-time member (other than the ex officio member) shall hold office for a period of three years from the date on which he assumes office:

Provided that the Central Government ?

(a) terminate the appointment of any whole-time member, who is not a servant of the Government after giving him notice for a period of not less than three months or in lieu thereof, on payment of an amount equal to his salary and allowances, if any for a period of three months:

(b) terminate the appointment of any part-time member who is not a servant of the Government after giving him notice for such period as may be prescribed; and

(c) terminate at any time he appointment of any member who is a servant of the Government.

(2) The other conditions of service of he members shall be such as may be prescribed.

(3) Any member may resign his office giving notice in writing for such period as may be prescribed to the Central Government and on such resignation being notified in the Official Gazette by that Government, such member shall be deemed to have vacated his office.

6.Vacation of office member.- The Central Government shall remove a member if he-

(a) becomes subject to any of the disqualification mentioned in section 4:

Provided that no member shall be removed on the ground that he has become subject to the disqualification mentioned in clause (e) of that section, unless he has been given a reasonable opportunity of being heard in he matter; or

(b) refuses to Act or becomes incapable of acting; or

(c) is, without obtaining leave of absence from the Authority absent from three consecutive meetings of the Authority; or

(d) in the opinion of the Central Government has so abused his position as to render his continuance in office detrimental to the public interest:

Provided that no member shall be removed under this clause unless he has been given a reasonable opportunity of being heard in the matter.

7.Eligibility of member for re-appointment.- Any person ceasing to be a member shall, unless disqualified under section 4, be eligible for re-appointment.

8.Meetings.- (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of he business at its meetings (including the quorum at such meetings) as may be provided by regulations.

(2) The Chairperson, or if for any reason he is unable to attend any meetings of the Authority any other member chosen by the members present at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of the votes of the members present and voting and in the servant of an equality of votes the Chairperson, or in his absence the person presiding, shall have and exercise a second or casting vote.

9.Vacancies, etc., not to invalidate proceeding of the Authority.- No Act or proceeding of the Authority shall be invalid merely be reason of-

(a) any vacancy in, or any defect in the constitution of the Authority; or

(b) any defect in the appointment of a person acting as a member of the Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

10.Appointment of officers and other employees of the Authority.- (1) For the purpose of enabling of efficiently to discharge its function under this Act, the Authority shall subject to the provisions of section 18 and to such rules as may be made in this behalf appoint (whether on deputation or otherwise) such number of officers and together employees as it may consider necessary;

Provided that the appointment of such category of officers as may be specified after consultation with the Chairperson in such rules, shall be subject to the approval of the Central Government.

(2) Subject to the provisions of section 18 every officer or other employee appointed by the Authority shall be subject to such conditions of service and shall be entitled to such remuneration as may be determined by regulations.

11.Authority to act on business principles.- In the discharge of its functions under this Act, the Authority shall Act, so far as may be, on business principles.

CHAPTER III
FUNCTIONS OF THE AUTHORITY

12.Functions of the Authority.- (1) Subject to the rules, if any made by the Central Government in this behalf it shall be the function of the Authority to manage the airports, the civil enlaces and the aeronautical communication stations efficiently.

(2) It shall be the duty of the Authority to provide it traffic service and air transport service at any airport and civil enclaves.

(3) Without prejudice to the generality of the provisions contained in sub-section (1) and (2) the Authority may-

(a) plan develop construct and maintain runways, taxiways, aprons and terminals and ancillary buildings at the airports and civil enclaves.

(b) plan, procure install and maintain navigational aids, communication equipment beacons and ground aids at the airports and at such locations as may be considered necessary for safe navigation and operation of aircraft.

(c) Provide air safety services and search and rescue facilities in co-ordination with other agencies;

(d) establish schools or institutions or centres for the training of its officers and employees in regard to any matter connected with the purpose of this Act;

(e) construct residential buildings for its employees;

(f) establish and maintain hotels, restaurants and restrooms at or near the airport;

(g) establish warehouses and cargo complexes at the airports for the storage or processing of goods.

(h) arrange for postal, money exchange, insurance and telephone facilities for the is of passengers and other persons at the airports and civil enclaves;

(i) make appropriates arrangements for watch and ward at he airports and civil enclaves;

(j) regulate and control the playing of vehicles and the entry and exit of passengers and visitors in the airports and civil enclaves with due regard to the security and protocol functions of the Government of India;

(k) develop and provide consultancy construction or management services and undertake operations in India and abroad in relation to airports air-navigation services ground aids and safety services or any facilitates thereat;

(l) establish and manage heliports and airports;

(m) provide such transport facility as are in the opinion of the Authority necessary to the passengers travelling by air;

(n) form one or more companies under the Companies Act, 1956 (1 of 1956) or under any other law relating to companies to further the efficient discharge of the functions imposed on it by this Act;

(o) take all such steps as may be necessary or convenient for, or may be incidental to, the exercise of any
power or the discharge of any function conferred or imposed on it by this Act.

(p) perform any other function considered necessary or desirable by the Central Government for ensuring the safe and efficient operation of aircraft to from and across the air space of India;

(q) establish training institutes and worships;

(r) any other activity a the airports and the civil enclaves in the best commercial interest of he Authority including cargo handling setting up of joint ventures for the discharge of any function assigned to the authority.

(4) In the discharge of its functions under section the Authority shall have due regard to the development of air transport service and to the efficiency economy and safety of such service.

(5) Nothing contained in this section shall be construed as-

(a) authorising the discharged by the Authority of any law for the time being in force or

(b) authorising any person to institute any proceeding in respect of duty or liability to which the Authority or its officers or other employees would not otherwise be subject.

CHAPTER IV
PROPERTY AND CONTRACT

13.Undertakings of the International Airports Authority and the National Airports Authority to vest in the Authority.- (1) On and from the appointed day, there shall be transferred to and vest in the authority constituted under section 3 of the undertakings of the International Airports Authority and the National Airports Authority.

(2) The undertakings of the International Airports Authority or the National Airports Authority which is transferred to and which vests in the Authority under sub-section (1) shall be deemed to include all assets, rights powers authorities and privileges and all property movable and immovable real or personal corporate or incorporeal, present or contingent, of whatever nature and wheresoever situate including lands, building machinery equipment works workshops cash balances capital reserves reserve funds investments tenancies leases and book debts and all other rights and interests arising out of such properly as were immediately before the appointed day in the ownership possession or pour of the International Airports Authority or as the case may be, the National Airports Authority in relation to its undertaking whether within or outside India all books of account and documents relating thereto and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the International Airports Authority or as the case may be the National Airports Authority in relation to its undertaking.

14.General effect of vesting of undertaking in the Authority.- (1) All contracts agreements and working arrangements subsisting immediately before the appointed day and affecting the International Airports Authority or as the case may be the National Airports Authority shall in so far as they relate to the International Airports Authority or as the case may be the National Airports Authority cease to have effect or be enforceable against the International Airports Authority or as the case may be the National Airports Authority and shall be of as full force and effect against or in favour of the Authority in which the undertakings have vested by virtue of this Act and enforceable as fully and effectual as if instead of the International Airports Authority or as the case may be the National Airports Authority or as the case may be the National airports the Authority had been named therein or had been a party thereto.

(2) Any proceeding suit or cause of action pending or exiling immediately before the appointed day by or against the International Airports Authority or the National Airports Authority in relation to its undertakings may, as from that day be continued and enforced to its undertakings may, as from that day be continued and enforced by or against the authority in which it has vested by virtue of this Act, as it might have been enforced by or against the International Airports Authority or the National Airports Authority if this Act had not been passed, and shall cease to be enforceable by or against the International Airports Authority or as the case may be the National Airports Authority.

15.Licences etc., to be deemed to have been granted to the Authority.- With effect from the

appointed day, shall all licences permits quotas and exemptions granted to the International Airports Authority or the National Airports Authority in connection with the affairs and business of the International Airports Authority or as the case may be the National airports under any law for the time being in force, shall be deemed to have been granted to the authority in which the undertakings of the International Airports Authority and the National Airports Authority have vested of this Act.

16.Tax exemption or benefit to continue to have effect.- (1) where any exemption from or any assessment with respect to any tax has been granted or made or any benefit y way of set off or carry forward as the case may be or any unabsorbed description or investment allowance or other allowance or loss has been extended or is available Authority, under the Income-tax Act, 1961 (43 of 1961) such exemption assessment or benefit shall continue to have effect in relation to the Authority in which the undertakings of the International Airports Authority and the National Airports Authority have vested by virtue of this Act.

(2) where any payment made by the International Airports Authority or the National Airports Authority is exempt from deduction of the tax at source under any provision of the Income-tax Act, 1961 (43 of 1961) the exemption from tax will continue to be available as if the provisions of the said Act made applicable to the International Airports Authority or the National Airports Authority were operative relation to the authority in which the undertakings of the International Airports Authority and the national Airports Authority have been vested by virtue of this Act.

(3) The transfer and vesting of the undertakings or any part thereof in terms of section 13 shall not be construed as a transfer within the meaning of the Income-tax Act, 1961 (43 of 1961) for the purposes of capital gains.

17.Guarantee to be operative.- Any guarantee given for is favour on the International Airports Authority or the National Authority with respect to any loan or lease finance shall continue to be operative in relation to the authority in which the undertakings of the International Airports Authority and the National Airports have vested by virtue of this Act.

18.Provisions in respect of officers and other employees of the International Airports Authority and the National Airports Authority.- (1) (a) Every officer or other employee of the International Airports Authority serving in its employment immediately before the appointed day shall in so far as such officer or other employee is employed in connection with the undertaking which has vested in the Authority by virtue of this Act, becomes as from the appointed day an officer or as the case may be other employee of the International Airports division of the Authority.

(b) Every officer or other employee of the National Airports Authority serving in its employment immediately before the appointed day shall, in so far as such officer of other employee is employee in connection with the undertaking which has vested in the Authority by virtue of this Act, becomes as from the appointed day an officer or, as the case may be other employee of the National Airports Division of the authority.

(2) Every officer or other employee of the International Airports Authority or the National Airports who becomes an officer or as the case may be other employee of the Authority as referred to in sub-section (1) shall hold his office or service therein by the same tenure, at the same remuneration upon the same terms and conditions with the same obligations and with the same rights and privileges as it leave passage insurance superannuating scheme provident fund other funds retirement pension gratuity and other benefits as he would have held under the International Airports Authority or as the case may be the National Airports Authority if its undertaking had nit vested in the Authority and shall continue to do so as an officer or other employee one year from the appointed day if such officer or other employee opt not to be the officer or other employee of the authority within such period:

Provided that if the authority thinks it expedient to extend the period so fixed it may the same up

to a maximum period of one year.

(3) Where an officer or other employee if the International Airports Authority or the National Airports Authority opts under sub-section (2) not to be in the employment or service of the Authority in which the undertakings of the International Airports Authority and the National Airports Authority have vested, such officer or other employee shall be deemed to have resigned from the respective cadre.

(4) Notwithstanding anything contained in the Industrial disputes Act, 1947 or in any other law for the time being in force the transfer of the services of any officer or other employee of the International Airports Authority or the National airports to the Authority shall not Act or under any other law for the time benign in force and no such claim shall be entertained by any court tribunal or other authority.

(5)The officers and other employees who have retired before the appointed day from the services of the International Airports Authority or the National Airports Authority and are entitled to any benefits, rights or privileges shall be entitled to receive the same benefits, rights or privileges from the authority in which the undertakings of the International Airports Authority and the National Airports Authority have vested.

(6) The trusts of the Provident Fund and Group Insurance and Superannuating Scheme of the International airports or the National Airports Authority and any other bodies created for the welfare of officers or employees would continue to discharge their functions in the authority as was being done hitherto in he International Airports Authority or the National Airports Authority and tax exemption granted to Provident fund or Group Insurance and superannuating Scheme would continue to be applied to the Authority.

(7) After the expiry of the period of one year to the extended period as referred to in sub-section (2) all the officers and other employees transferred and appointed to the Authority other than those opting not to be the officers or employees of the Authority within such period, shall be governed by the rules and regulations made by the Authority in respect of the service conditions of the officers and other employees of the said Authority.

19.Compulsory acquisition of land for the Authority.- Any land required by the authority for the discharge of its functions under this Act shall be deemed to be needed for a public purpose and such land may be acquired for he Authority under the provisions of the Land Acquisition Act, 1894 (1 of 1894) or any other corresponding law for the time being in force.

20.Contracts by the Authority.- Subject to the provisions of section 21, the Authority shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

21.Mode of executing contracts on behalf of the authority.- (1) Every contract shall, on behalf of the Authority, be made by the Chairperson or such member or such officer of the Authority as may be generally or specially empowered in this behalf by the Authority and such contracts or class of contracts as may be specified in the regulations shall be sealed with the common seal of the Authority:

Provided that no contract exceeding such value of amount as the Central Government may, from time to time by order fix in this behalf shall be made unless it has been previously approved by the Authority.

Provided further that no contract for the acquisition or sale of immovable property or for the ;ease of any such property for a term exceeding thirty years and no other contract exceeding such value or amounts as the Central Government may, from time to time by order fix in this behalf shall be made unless it has been previously approved by the Central Government.

(2) subject to the provisions of sub-section (1) the form and manner in which any contract shall be under this Act shall be such as may be specified by regulations.

(3) No contract which is not in accordance with the provisions of this Act and the regulations shall be binding on the Authority.

CHAPTER V
FINANCE, ACCOUNTS AND AUDIT

22.Power the Authority to charge fees, rent , etc.- The Authority may-

(i) with the previous approval of the Central Government charge fees or rent-

(a) for the landing housing or parking of aircraft or for any other service or facility offered in connection with aircraft operation at any airport heliport or airstrip.

Explanation-In this sub-clause "aircraft" does not include an aircraft belonging to any armed force of the Union and "aircraft operation" does not include operations of any aircraft belonging to the said force:

(b) for providing air traffic services, ground safety services, aeronautical communications and navigational aids and meteorological services at any airport an at any aeronautical communication station;

(c) for the amenities given to the passengers and visitors at any airport civil enclave heliport or airstrip;

(d) for the use and employment by persons of facilities and other services provided by the Authority at any airport civil enclave heliport or airstrip;

(ii) with due regard to the instructions that the Central Government may give to the Authority from time to time charge fees of rent from persons who are given by the Authority any facility for carrying on any trade or businesses t any airport heliport or airstrip.

23.Additional capital and grant to the Authority by the Central Government.- The Central Government may after due appropriation made by Parliament any law in this behalf-

(a) provide any capital that may be required by the authority for the discharge of its functions under this Act or any purpose connected therewith on such terms and conditions as that Government may determine;

(b) pay to the Authority on such terms and conditions as the Central Government may determine by way of loans or grants such sums of money as that Government may consisted necessary for the efficient discharge by the authority of its functions under this Act.

24.Fund of the Authority and its investment.- (1) The Authority shall have its own fund and all receipts of the Authority shall be credited thereto and all payments of the authority shall be made therefrom.

(2) The authority shall have power subject to the provisions of this Act, to spend such sums as it thinks fit to cover all administrative expenses of the authority and on objects or for purposes authorised by this Act and such sums shall be treated as expenditure out of the fund of the Authority.

(3) All moneys standing at the credit of the authority which cannot immediately be applied as provided in sub-section 92 , shall be-

(a) deposited in the State Bank of India or any such scheduled bank or banks other public financial institutions subject to such conditions as may from time to time be specified by the Central Government and

(b) invested in the securities of the Central Government or is such manner as may be prescribed.

Explanation ?In this sub-section "Scheduled bank" has the same meaning as in clause(e) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934).

25.Allocation of surplus funds.-(1) The Authority may from time to time set apart such amounts as it thinks fit as a reserve or funds for the purpose of expanding existing facilities or services or creating new facilities or services at any airport, civil enclave heliport or airstrip of for the purpose of providing against any temporary decrease of revenue or increase of expenditure from transient causes or for purpose of replacement or for meeting expenditure arising from loss or damage from fire, cyclone, air-crash or other accident or for meeting any liability arising out of any act or commission in the discharge of its functions under this Act:

Provided that without prejudice to the right of the Authority to establish specific for one or more specific purpose, the Authority shall also have the power establish a general reserve:

Provided further that the sums set apart annually in respect of each or any of the specific and general reserves and the aggregate at any time of such sums shall not exceed such limits as may from time to time, be fixed in that behalf by the Central Government.

(2) After making provision for such reserve fund or funds and for bad and doubtful depreciation in assets and all other matters which are usually provided for by companies registered and incorporated under the companies Act, 1956, the Authority shall pay the balance of its annual net profits to the Central Government.

26.Submission of programme of activities and financial estimates.- (1) The Authority shall before the commencement of each financial year prepare a statement to the programme of its activities during the forty coming financial years as well as financial estimate in respect thereof.

(2) The statement prepared under sub-section (1) shall not less than unary months before the commencement of each financial year, be submitted for approval to the Central Government.

(3) The statement and the financial estimates of he authority may with the approval of the Central Government be revised by the Authority.

27.Borrowing powers of the Authority.- (1) The Authority may with the consent of the Central Government or in accordance with the terms of any general or special authority given to it by the Central Government borrow money from any source by the issue of bonds debentures or such other instruments as it may deem fit for discharging all or any of its functions under this Act.

(2) The Central government may guarantee in such manner as it thinks the repayment of the principal and the payment of interest thereon with respect to the loans borrowed by the Authority under sub-section (1).

(3) Subject to such limits as the Central Government may from time to lay down, the Authority may borrow temporarily by way of overdraft or otherwise such amounts as it may required for discharging its functions under this Act.

28.Accounts and audit.- (1) The Authority shall maintain proper accounts and other relevant records and prepare and annual statement of accounts including the profit and loss account and the balance-sheet in such form as may be prescribed by the Central Government in consultation

with the Comptroller and Auditor-General of India.

(2) The accounts of the authority shall be audited annually by the comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of government account and in particular shall have the right to demand the production of books accounts connection vouchers, documents and papers and inspect any of the officers of the Authority.

(4) The accounts of the Authority as certified by the comptroller and auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded same to be laid before both Houses of Parliament.

CHAPTER VI
MISCELLANEOUS

29.Submission of annual report.- (1) The authority shall as soon as may be after the end of each financial year prepare and submit to the Central Government in such form as may be prescribed a report giving an account of its activities during that financial year and the report shall also give an account of the activities which are likely to be undertaken by the authority during the next financial year.

(2) The Central government shall cause such report to be laid before both Houses of Parliament as soon as may be after it is submitted.

30.Delegation.- The Authority may, by general or special order in writing delegate to the Chairperson or any other member or to any officer of the Authority, subject to such conditions and limitations if any as may be specified in the order such of its powers and functions under this Act (expect the powers under section 42) as it may deem necessary.

31.Authentication of orders and other instruments of the authority.- All orders and decisions of the authority shall be authenticated by the signature of the Chairperson or any other member authorised by the authority in this behalf and all other instruments exceeded by the authority shall be authenticated by the signature of an officer of the authority authorised by it in this behalf.

32.Officers and employees of the authority to be public servant.- All officers and employees of the Authority shall, while acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

33.Protection of action take of good faith.- No suit, prosecution or other legal proceeding shall lie against the authority or any member or any officer or other employee of the authority for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or regulation made thereunder of for any damage sustained by any aircraft of vehicle on consequent of any defect in any of the airports civil enlaces heliports airstrips aeronautical communication stations of other things belonging to or under the control of the authority.

34.custody and disposed of lost property.- subject to such regulations as the authority may make in this behalf the authority shall provide securing the safe custody and restoration of any property which while not in proper custody is found on any premises such premises.

35.Provisions relating to income tax.- for the purposes of the Income-tax Act, 1961 (43 of 1961) or any other enactment for the time being in force relating to income-tax or any other tax in

income profits of gains the authority shall be deemed to be a company within the meaning of the Income-tax Act, 1961 and shall be liable to tax accordingly on its income profits and gains.

36.Power of the authority to undertake certain works.- The authority may undertake to carry out on behalf of any person any works or services or any class of works or services on such terms and conditions as may be agreed upon between the authority and the person concerned.

37.Power to issue directions.- (1) The Authority or any officer specially authorised by it in this behalf may form time to time, by order issue directions consistent with the provisions of the aircraft Act.1934 (22 of 1934)and the rules made thereunder, with respect to any of the matters specified in clauses (f) (h) (I) (j) (k) (m) (p) (qq) and (r) of sub-section 92) of section 5 of that Act, to any person or persons engaged in aircraft operations or using any airports Heliport, or civil enclave in any case where the authority or the officer is satisfied that in the interest of the security of India of for securing the security of the air-craft it is necessary to do so.

(2) every direction issued under sub-section 910 shall be complied with by the person or persons to whom such directions is issued.

(3) if any person wilfully fails to comply with any direction issued under this section, he shall be punishable with imprisonment for a term which may extend to six months or with fine may extend to five thousand rupees or worth both.

38.Power of the Central Government to temporarily divest the Authority of the management of any airport.- (1) If, at any time, he Central Government is of opinion that in the public interest it is necessary or expedient so to do , it may by order direct the authority to entrust the administration management or similar other functions or any airport heliport airstrip civil enclave aeronautical communication station or any other agency or department of any airport heliport airstrip or any other agency or department of any airport heliport airstrip civil enclave or aeronautical communication station with effect from such date and to such person as may be specified in the order and the authority shall be bound to comply with such direction:

Provided that before an order is made under this sub-section the authority shall be given a reasonable opportunity of being heard in the matter.

(2) where the management of any airport heliport airstrip civil enclave or aeronautical communication station or any other agency or department thereof is entrusted to any person specified under sub-section 91) (hereafter referred to in this section as the authorised person) the authority shall cease to exercise and discharge all its powers and functions under this Act in relation n to exercise and discharge all its powers and function under this Act in relation to such airport heliport airstrip or aeronautical communication station of any other agency or department thereof and such powers and function shall be exercised and discharged by the authorised person in accordance with the instructions of any which the Central government my give to the authorised person from time to time:

Provided that no such power or function as may be specified by the Central Government by a general or special order shall be exercised or discharged by the authorise person except with the previous sanction of the Central Government.

(3) An order made under sub-section 91) shall unless resigned be in operation for a period of six months from the date on which the management of the airport heliport airstrip civil enclave or aeronautical communication station or any other agency or department thereof is entrusted to the authorities person.

Provided that the Central government extend such period for a further period or periods not exceeding eighteen months.

(4) During the operation of an order made under sub-section (1), it shall be competent for he Central Government to issue from to time to time, such directions to the Authority as are necessary to enable the authorised person to exercise the powers and discharge the function of the Authority under thrice Act in relation to the airport, heliport airstrip civil enclave or aeronautical communication station or any other agency or department thereof the management of which has been entrusted to him and in particular to transfer any sum of money from the fund of the Authority to the authorised person for the management of the airport heliport airstrip civil enclave or aeronautical communication station or any other agency or department thereof and every such direction shall be complied with by the Authority.
(5) On the Caesar of operation of any made under sub-section 91) in relation to any airport, heliport airstrip, civil enclave or aeronautical communication station or any other agency or department thereof the authorised person shall cease to exercise and perform the powers and functions of the Authority under this Act in relation to such airport, heliport airstrip civil enclave or aeronautical communication station or any other agency or department thereof and the Authority shall continue to exercise and perform such powers and function in accordance with the provisions of this Act.

(6) On the cesser of operation of any order made under sub-section (1) in relation to any airport, heliport airstrip civil enclave or aeronautical communication station or any other agency or department thereof the authorised person shall hand over to the Authority any property (including any sum of money or other asset) remaining with him in connection with the management of such airport, heliport airstrip civil enclave or aeronautical communication station.

(7) Anything done or any action taken lawfully by the authorised person in relation to any airport, heliport airstrip, civil enclave or aeronautical communication station or any other agency or department thereof during he period operation of an order made under sub-section (1) shall be deemed to have been done or taken by the Authority and shall be binding on the Authority.

39.Power of the Central Government to supersede the Authority.- (1) If, at any time, the Central Government is of opinion-

(a) that on account of a gave emergency, the Authority is unable to discharge the function and duties imposed on it by or under the provisions of this Act, or

(b) that the Authority has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of which default the financial position of the Authority or the administration of any airport, heliport airstrip civil enclave or aeronautical communication station has deteriorated or

(2) that circumstances exist which render it necessary in the public interest so to do ,

the Central Government may, by notification in the Official Gazette, supersede the Authority for such period not exceeding six months as may be specified in the notification:

Provided that before issuing a notification under those sub-section for the reasons mentioned in clause (b) the Central Government shall give a reasonable opportunity to the Authority to show cause why it should not be superseded and shall consider the explanations and objections if any of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,-

(a) all the members shall, as from the date of suppression vacate their offices as such;

(b) all the powers functions and duties which may, by or under the provisions of this Act, be exercised by or on behalf of the Authority shall until the Authority is re-constituted under sub-

section (30 be exercised and discharged by such person or persons as the Central Government may direct;

(c) all property owned or controlled by the Authority shall, until he Authority is re-constituted under sub-section 93) vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section 91) the Central Government may-

(a) extend the period of suppression for such further term not exceeding six months, as it may consider necessary; or

(b) re-constitute the Authority by fresh appointment and in such case the members who vacated their offices under clause 9a) of sub-section (2) shall not be deemed disqualified for appointment:

Provided that the Central Government any at any time before the expiration of the period of supersession, whether as originally specified under sub-section 91) or as extended under this sub-section take action under clause 9b) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under the section and the circumstances leading to such action to be laid before both Houses of Parliament at the earliest opportunity.

40.Power of the Central Government to issue directions.- (1) Without prejudice to the foregoing provisions of this Act, the Authority shall in the discharge or its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

Provided that the authority shall as far as practicable be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

(3) The Central Government may, from time to time issue directions to the Authority regarding the discharge of any functions to it under clause (e) of sub-section 93) of section 12 and the authority shall be bound o comply with such directions.

41.Power to make rules.- (1) The Central Government may by notification in the Official Gazette make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generally of the foregoing power, such rules may provide for

(a) the period of notice as may be given by the Central Government to terminate the appointments of any part-time member of the Authority under clause (b) of proviso to subsection (a) of sections 5

(b) the conditions of service of the members of the Authority under sub-section (2) of section 5

(c) the period of notice as may be given by any member to resign his office under sub-section (3) of section 5

(d) the provisions subject to which officers and other employees may be appointed by the authority and the category of officers to be appointed after approval of the Central Government under the proviso to sub-section (1) of section 12;

(e) the provision subject to which the Authority may manage the airports civil enclaves and aeronautical communication stations under sub-section 91) of section 12.

(f) the manner in which the Authority may invest its funds under clause (b) of sub-section (3) of section 24.

(g) the form in which the annual statement of accounts shall be prepared by the Authority under sub-section 91) of section 28.

(h) the form in which a report giving an account of its activities shall be prepared and submitted by the Authority to the Central Government under sub-section 91) of section 29 and

(i) any other matter which is to be or may be prescribed

42.Power to make regulations.- (1) The Authority may make regulations not inconsistent with this Act and the rules made thereunder to provide for all mutters for which provisions is necessary or expedient for the purpose of giving of effect to the provisions of this Act.

(2) without prejudice to the generality of the forgoing power such regulations may provide for

(a) the time and placed of the meeting of the Authority and the procedure to the followed for the transaction of business including the quorum at such meetings under sub-section 91) of section 8

(b) the conditions of service and the remuneration of officers and after employees to be appointed by the authority under clause (e) of sub-section (3) of section 12

(c) the construction of residential accommodation for the officers and other employees appointed by the Authority under clause (e) of sub-section (3) of section 12;

(d) the storage or processing go goods in any warehouse established by he authority under clause (g) of sub-section (3) of section 12 and the charging of fees for such storage or processing;

(e) the contracts or class of contracts which are to be sealed with the common seal of the Authority and the form and manner in which a contract may be made by the authority under sub-section (1) of section 21;

(f) the custody and retroaction of lost property and the terms and conditions under which lost property may be restored to the persons entitled thereto under section 345;

(g) the disposal of any lost property in cases where such property is not restored.

(h) securing the safety of aircraft vehicles and persons using the airport or civil enclave and preventing danger to the public arising from the use and operation of aircraft in the airport or civil enclave;

(i) preventing obstruction within the airport or civil enclave for its normal functioning;

(i) prohibiting the parking or waiting of any vehicle of carriage within the airport of civil enclave except at places specified by the Authority;

(k) prohibiting or restricting access to any part of the airport or civil enclave;

(j) preserving order within the airport or civil enclave and preventing damage to property therein;

(m) regulating or restricting advertising within the airport or civil enclave;

(n) requiring any person if so directed by an officer appointed by the Authority in this behalf to leave the airport or civil enclave or any particular part of the airport or civil enclave and

(o) generally for the efficient and property management of the airport or civil enclave.

(3) Any regulation made under any of the clause (h) to (o) (both inclusive) of sub-section 92) may provide that a contravention thereof shall be punishable within which may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention.

(4) No regulation made by the authority under this section shall have effect until it has been approved by the Ventral government and published in the Official Gazette.

(5) Notwithstanding anything contained in this section the first regulations under this Act shall be made by the Central Government and shall have effect on being published in the Official Gazette.

(6) the first regulations framed under sub-section (5) shall remain in force until such time the Authority has made regulations and they are published in the Official Gazette.

43.Rules and regulations to be laid before Parliament.- Every rule and every regulation made under this Act shall be lid as soon as may be after it is made before each House of Parliament while it is in session or in two or more successive sessions and it before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in mailing any modification in the rule or regulation as the case may be or both Houses agree that the rule or regulation as the case may be should not be made the rule or regulation shall thereafter have effect only ion such modified form or be of no effect as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation

44.Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may by general or special order published in the Official Gazette male such provisions not inconsistent with the provisions of this Act as appear to it to be necessary expedient for the removal of the difficulty.

Provided that no such order shall be made after the expiration of one year from the commencement of this Act.

(2) Every order made under sub-section 91) shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session immediately following the session or the successive sessions aforesaid both Houses agree in making nay modification in the order or both Houses agree that the order should not be made the order shall thereafter have effect only in such modified form or be of nom effect as the case may be so however that a by such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

45.Amendment of Act 22 of 1934.- In section 5 of the Aircraft Act, 1934 in sub-section 92)

(a) in clause (b) for the words and figures "the International Airports Authority Act, 1971 (43 of 1971) of the National Airports Act, 1985 (64 of 1985) ", the words and figures "the Airports Authority of India Act, 1994" shall be substituted;

(b) proviso to clause (b) shall be omitted.

46.Repeal and saving.- On and from the appointed date.-

(i) the International Airports Authority Act, 1971 (43 of 1971) and the national Airports Authority Act.1985 (64 of 1985) shall stand repealed;

(ii) the International airports and the National Airports Authority constituted under the aforesaid Acts shall cease to exist.

(2) Notwithstanding such repeal anything done or any action taken or purported to have been done or taken under the aforesaid Acts so repealed shall in so far as it is not inconsistent with the provisions of this Act, the deemed to have been done or taken under the corresponding provision of this Act.